

MALTA TOWN BOARD MEETING

February 4, 2019

6:00 PM

Malta Town Hall

ELECTED OFFICIALS PRESENT: Supervisor Darren O'Connor, Councilman John Hartzell, Councilman Craig Warner, Councilwoman Cynthia Young, Councilman Tim Dunn, Town Clerk Jennifer Holmes, Highway Superintendent Roger Crandall

OTHERS PRESENT: Town Attorney Tom Peterson, Comptroller Kevin King, Director of Building & Planning Jaime O'Neill and Director of Parks & Recreation Alyssa Benway

PUBLIC PRESENT: Tim Downey, Woody Sloat, Michael York, Marian Crandall, Darren Persons, Joe Grebel, Kathy & Murray Eitzmann, Natalia Kitt, Mark E. Hammond, Mark Mincher, David Rosenberg, C.B. Troischt, Ann Klotz, Barbara Conner, Mick McDonough

PUBLIC HEARING: Chapter 88-Escrow Fees Town Personnel - 6:00 PM - The floor was opened to public comments or questions regarding the proposed amendment to the Town Code Chapter 88. The amendment would allow for the Town to be reimbursed by developers when town engineer service fees occur. With no comments or questions from the public the hearing was closed at 6:02 PM

SALUTE TO THE FLAG AND SILENT PRAYER:

REPORTS FROM TOWN OFFICIALS & DEPARTMENT HEADS: Councilman Hartzell acknowledged Todd Garafano being present for this evening's meeting. Mr. Garafano was the president of the Saratoga Convention & Tourism Bureau.

PRESENTATIONS: Economic Development Committee Report*. Councilman Tim Dunn, Chairperson of the Economic Development Committee, presented a 28 page strategic plan draft report that has been compiled over the past three years. Councilman Dunn acknowledged and thanked committee members that have and still serve on the committee. The task was to gather input on how to grow investment in the commercial sector in the Town of Malta. The past approach was a "bedroom community" for the town that has provided Malta with complexes of multi-living neighborhoods. The increase in community population now shows a demand for local commercial retail and service related development. Making Malta a place to live, work and shop. The committee focused on background research, a SWOT analysis (Strength, Weakness, Opportunity and Threat), property inventory, industry focus, town operational focus, potential funding opportunities, and a retail/commercial needs assessment in order to make recommendations to the TB. Supervisor O'Connor asked Councilman Dunn how the committee was going to get the recommended surveys out to acquire feedback from residents and businesses. He asked if it was going to be a digital survey, and if the survey consisted of what kinds of retail residents would like to have in Malta. Councilman Dunn responded it was going to be a physical survey that had questions on retail development and the Comprehensive Plan. Councilman Hartzell referred to page 17 of the report where annual meetings between Zoning and Planning Boards, department staff, representatives of the Malta Economic Committee, and SEDC (Saratoga County Economic Committee) should meet. Councilman Hartzell encouraged Councilman Dunn to be in communication with Saratoga County Prosperity Partnership to include their input. A recommendation in the report for potential funding of economic growth suggests a hotel occupancy tax that would require legislation at a County level for individual towns. Councilman Hartzell stated that Jefferson County has a share portion for towns. Councilman Warner suggested reaching out to the Capital District Regional Commission for information on County "share of value" information. Councilman Warner also said that there are grants available to be pursued. Councilwoman Young said it was a "Nice Presentation" that took a lot of time and effort, while pointing out concerns with page 11 of the report that describes reputation. The report reflects criticism for the former TB when describing development that deals with developers. She stated that the TB was following the policy of the Master Comprehensive Plan that at that time showed a desire for residential development being the focus and the desire for commercial investment to follow. Councilwoman Young stated that the perception of "back door deals" (referring to PDD's-

Planned Development Districts) was a very accusing portion of the report, and asked if Councilman Dunn had evidence to back his statement. Councilman Dunn said that it is the perception from businesses and this is a call for accessibility of government. Councilman Warner said to “Please change the wording” so that it was not so harsh. Councilman Warner reminded Councilman Dunn that surrounding towns currently use a PDD process, so word carefully. The TB geared away from the PDD process over the past few years and focused on specific zoned parcels, in order to have a clear process. Councilman Hartzell said developers are offered deals and tax breaks as part of doing business because the New York State system is designed that way. Councilman Warner exemplified how developers have offered as an incentive to install water lines in the area they are proposing for development. Supervisor O’Connor conveyed thanks from the TB to all the committee members that worked on research, input and recommendations to the Economic Development Report.

*On file in clerk’s office/ or found on webpage

COMMENTS OR QUESTIONS FROM TOWN RESIDENTS: Kathy Eitzmann, President of the Malta Seniors said they had 55 attendees at senior day today. They had a speaker from the NYS Comptroller’s office speaking on how to protect from identity theft. The Irish Fest is March 4th, where the Malta seniors will be hosting a 20 piece band. As a resident she asked the TB to think about public transportation in the town. She also gave kudos to the TB for the transparency in our local government by saying, “Thank you for turning the light on”, and “opening the doors and windows”.

Natalia Kitt asked the TB what Malta’s bed tax was. Supervisor O’Connor said Malta does not have a bed tax. Natalia asked what if someone rents during the Saratoga racing season. Councilman Hartzell responded that County Law specifies who is subject to the tax.

Woody Sloat, a Malta resident from the southern end of Town, attends almost every Town Board meeting, inquired about the EDCR. He asked how many of the committee members were from Malta. Councilwoman Young clarified that 7 out of 10 were Malta residents. Mr. Sloat asked how many were from the southern end of Town. Mr. Sloat expressed that written minutes should have been provided during the three years of meetings of the economic committee as part of transparency. He then suggested to the TB that representation from the southern end of town be included in the Comprehensive Master Plan Committee.

ACCEPT TOWN CLERK’S 1/28/2019 MINUTES:

Motioned by: Councilman Warner	Seconded: Councilman Dunn
Vote: Supervisor O’Conner–Aye	Councilman Dunn–Aye
Councilman Hartzell-Aye	Councilman Warner-Aye
Councilwoman Young-Aye	

OLD BUSINESS:

RESOLUTION NO 63 FEBRUARY 4, 2019

ADOPT AMENDMENT OF CHAPTER 88 - ESCROW FEES FOR TOWN PERSONNEL

Motioned by: Councilman Hartzell	Seconded: Councilman Dunn
Vote: Supervisor O’Connor-Aye	Councilman Dunn-Aye
Councilman Hartzell-Aye	Councilman Warner-Aye
Councilwoman Young-Aye	

WHEREAS the Malta Town Code provides at §88-6(C) for payment into escrow of the estimated costs to be incurred by the Town in review of an application when otherwise so required by the Code (see e.g., §§ 143-3(C)(3)(b), 143-5(A)(5)(c) & (4)(c), 143-6(A)(6)(c) & (B)(4)(c), 143-8(E), 167-49(A)); and

WHEREAS §88-6(C) describes payment procedures for professional services being billed to the Town by professionals who are not directly employed by the Town; and

WHEREAS the Town Board of the Town of Malta wishes to provide for reimbursement of the Town's employment costs of professionals directly employed by the Town; and

WHEREAS the proposed amendment is not an "action" under SEQRA as defined by 6 NYCRR §617.2(b), or is a Type II action as defined by 6 NYCRR §617.5; and

WHEREAS the Town Board of the Town of Malta held a public hearing pertaining to amendment of §88-6(C) with respect to the scope and procedure of escrowing funds to be expended for professional fees on the 4th day of February, 2019, at 6:00 o'clock P.M., at the Town Hall of the Town of Malta, 2540 Route 9, Malta, New York 12020, and at which hearing all persons desiring to be heard were heard; now, therefore be it

RESOLVED that proposed local law is adopted and that the Town Clerk is directed to file the same with NYS Secretary of State forthwith.

Section I. Name: This Local Law is titled "Local Law Number 1 of 2019" Amending Section 88-6(C) of Chapter 88 of the Malta Town Code to Provide for Escrow Accounts for Town-Provided Professional Costs.

Section II. Substantive Law: Paragraph C of Section 88 is replaced in its entirety by the following language:

C. Whenever a person making an application to any Town board, department or office ("applicant") is required by the Town Code to pay the Town's professional costs (which may include, but are not limited to, engineering, architectural and legal fees), estimated fees shall be paid into the Town to cover such costs as follows:

(1) When the professional is not an employee of the Town, the Town's professional shall submit an estimate to the Town Building and Planning Department of its fees and other charges for reviewing the application including, but not limited to, compliance with all relevant laws and regulations, any on-site inspections required to be made by the Town, and any research and document generation, but excluding any time which the professional may spend in regularly-scheduled Board meetings concerning the application. An amount equal to the estimated costs of the professional services shall be paid to the Town Building and Planning Department by the applicant prior to the applicant being heard by any Board or otherwise acted upon. The Building and Planning Department will maintain a separate account for all escrow deposits. The Town's professional shall bill the Town monthly for its services on behalf of the applicant in reviewing such application and performing inspections. These monthly billings shall be charged against the applicant's escrow balance. If at any time during the review and approval process the applicant's escrow account shows a negative balance, additional funds must be submitted to the Town Building and Planning Department before any further action will be taken on the application. If at the conclusion of the review and approval process the amount of such services is more than the amount escrowed pursuant hereto, the applicant shall pay the difference to the Town Building and Planning Department prior to final action on the application (e.g., filing determinations, the issuance of a building permits or certificate of occupancy), and in the event the amount held in escrow by the Town Building and Planning Department is more than the amount of the actual billing of the Town's professional, the difference shall be promptly refunded to the applicant.

(2) When the professional is an employee of the Town, the Town Building and Planning Department, in consultation with the Town Comptroller and the employed professional, shall estimate the Town's cost for the time the professional will spend reviewing the application including, but not limited to, determining compliance with all relevant laws and regulations, and conducting

any on-site inspections he or she deems appropriate, and any necessary research and document generation, but excluding any time which the professional may spend in regularly-scheduled Board meetings concerning the application. An amount equal to the estimated costs of the professional services shall be paid to the Town Building and Planning Department by the applicant prior to the applicant being heard by any Board or otherwise acted upon. The Building and Planning Department will maintain a separate account for all escrow deposits. The Town's employed professional shall maintain a record of the time spent in the execution of his or her duties with respect to the application, and provide that information to the Building and Planning Department on a monthly basis. The time so spent shall be charged against the applicant's escrow balance by multiplying that time against the annualized salary of the employed professional including the cost of benefits and statutorily required employer tax contributions. If at any time during the review and approval process the applicant's escrow account shows a negative balance, additional funds must be submitted to the Town Building and Planning Department before any further action will be taken on the application. If at the conclusion of the review and approval process the amount of such services is more than the amount escrowed pursuant hereto, the applicant shall pay the difference to the Town Building and Planning Department prior to final action on the application (e.g., filing determinations, the issuance of a building permits or certificate of occupancy), and in the event the amount held in escrow by the Town Building and Planning Department is more than the amount of the actual billing of the Town's professional, the difference shall be promptly refunded to the applicant.

Section III. Supersession: This local law is hereby adopted pursuant to the provision of §10 of the New York State Municipal Home Rule Law and §10 of the New York State Statue of Local Governments, it being the intent of the Town Board to supersede any and all contrary or inconsistent State Laws.

Section IV. Inconsistency: All other local laws and ordinances of the Town of Malta, if any, that are inconsistent with the provisions of this local law are hereby repealed: provided, however, that such repeal shall only be to the extent of such inconsistency and in all other respects this local law shall be in addition to such other local laws or ordinances, if any, regulating and governing the subject matter covered by this local law.

Section V. Savings Clause: If any clause, sentence, paragraph, word, section or part of this local law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment, order and/or decision shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation of the clause, sentence, paragraph, worked section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section VI. Effective Date: This local law shall take upon its filing with the New York State Secretary of State.

NEW BUSINESS:

RESOLUTION NO 64 FEBRUARY 4, 2019

AUTHORIZE OUT-OF-SCOPE WORK REQUEST FOR ROUTE 9 COMPLETE STREETS PROJECT- CME

Motioned by: Councilman Hartzell
Vote: Supervisor O'Connor-Aye
Councilman Hartzell-Aye
Councilwoman Young-Aye

Seconded: Councilman Dunn
Councilman Dunn-Aye
Councilman Warner-Aye

WHEREAS the Town Board of the Town of Malta has authorized local sponsorship for the Route 9 Complete Street Project; and

WHEREAS Town Board of the Town of Malta selected Creighton Manning Engineering as the consultant for the Route 9 Complete Street Project; and

WHEREAS a Scope of Services Agreement has been entered into by the Town of Malta and Creighton Manning Engineering; and

WHEREAS an Out-of-Scope Work Request has been prepared by Creighton Manning for additional services required relating to the design of the project; and

WHEREAS the Town Board of the Town of Malta recognizes that additional services required relating to the design of the project were requested by the Town of Malta; now therefore, be it

RESOLVED the Town Board of the Town of Malta approves the Out-of-Scope Work Request for the Route 9 Complete Street Project at a fee not to exceed \$29,700, and amends the capital project for the same dollar amount and authorizes the Town Supervisor to sign on behalf of the Town all necessary documents relating to said project, subject to the approval of the Town Attorney.

RESOLUTION NO 65 FEBRUARY 4, 2019

ACCEPT TOWN OF MALTA ECONOMIC DEVELOPMENT COMMITTEE STRATEGIC PLAN AND REPORT FOR CONSIDERATION

Motion by: Councilman Hartzell **Seconded:** Councilman Dunn
Vote: Supervisor O'Connor -Aye Councilman Dunn-Aye
 Councilman Hartzell-Aye Councilman Warner-Aye
 Councilwoman Young-Aye

WHEREAS the Town of Malta Economic Development Committee formed to prepare a strategic plan for economic development in the Town of Malta chaired by Councilman Timothy Dunn; and

WHEREAS the Committee has delivered an oral summary of its report to the Malta Town Board; now, therefore, it is

RESOLVED that the Malta Town Board accepts the Town of Malta Economic Development Committee's *Strategic Plan and Report dated January, 2019* for consideration, and thanks the Committee for its many hours of work.

DISCUSS RENTAL USE OF TOWN FACILITIES WHEN BUILDINGS ARE OTHERWISE CLOSED

- Gymnasium only or entire community center;
- Availability based upon voluntary extra time by Town employee(s);
- Recovery of any additional cost (e.g., employee pushed into overtime status);
- Whether event supervised by employee (make sure remainder of building secured) as well as employee opening and closing;
- Arrangements for cleaning after event;
- Length of agreement (e.g., every week for a month, year, indefinite);
- Authority of Director to impose other reasonable conditions related to safety of attendees, Town employees, property within building and building itself.

TB members discussed further the proposal for the Community Center to be rented by a church for Sunday worship. The proposal is for a full year rental occupying two rooms and the auditorium. Councilman Dunn stated that he feels the town should not be in competition with commercial rental. Councilman Hartzell said that the "challenge is that we don't have a base to regulate their use. We must be neutral." Supervisor O'Connor proposed an agreement with the TB and applicant be prepared for the next TB Meeting. The TB weighed in on a town program taking precedence, an employee of the town working during the rental time of the church, the church reimbursing the town for employees pay (whether it includes cleaning up, removing snow from sidewalks, plowing etc.) Pastor Joe Giebel, Next Level Church said that the

Community Center works out well for the church. He also stated to the TB that they were not looking for any conflicts on either party, that they are looking to rent the Community Center while they seek out a permanent location for worshipping.

RESOLUTION NO 66 FEBRUARY 4, 2019

APPOINT FULL-TIME MAINTENANCE/CUSTODIAL WORKER

Motioned by: Councilman Hartzell **Seconded:** Councilman Warner
Vote: Supervisor O'Connor -Aye Councilman Dunn-Aye
 Councilman Hartzell-Aye Councilman Warner-Aye
 Councilwoman Young-Aye

BE IT RESOLVED the Town Board of the Town of Malta hereby appoints *Matthew Glogowski* to the position of Full-Time Maintenance/Custodian Worker effective February 19, 2019 at an hourly rate of \$15.81 which has a standard work week of 40 hours per week with said appointment subject to a probationary period of not less than eight weeks and not more than fifty-two weeks.

RESOLUTION NO 67 FEBRUARY 4, 2019

APPOINT TOWN WEBMASTER

Motion by: Councilman Hartzell **Seconded:** Councilman Dunn
Vote: Supervisor O'Connor-Aye Councilman Dunn-Aye
 Councilman Hartzell-Aye Councilman Warner-Aye
 Councilwoman Young-Aye

IT IS RESOLVED, in accordance with Malta Town Code § 44-3, that *Jennifer Holmes* is appointed Town Webmaster; and it is further

RESOLVED that website and social media operations under Malta Town Code Chapter 44 are subject to the supervision of the Town Supervisor.

RESOLUTION NO 68 FEBRUARY 4, 2019

CONFIRM HIGHWAY EQUIPMENT OPERATOR APPOINTMENT

Motion by: Councilman Dunn **Seconded:** Councilman Hartzell
Vote: Supervisor O'Connor Councilman Dunn-Aye
 Councilman Hartzell-Aye Councilman Warner-Aye
 Councilwoman Young-Aye

IT IS RESOLVED that the Town Board of the Town of Malta hereby acknowledges the appointment by Town Highway Superintendent Roger Crandall of *James Flynn* as Heavy Equipment Operator as of January 28, 2019 to replace James Peek who has retired; and it is further

RESOLVED that the newly appointed Heavy Equipment Operator will be paid at the rate of \$20.25 per hour in 2019.

RESOLUTION NO 69 FEBRUARY 4, 2019

APPROVE HIGHWAY SUPERINTENDENT 2019 CONFERENCE

Motion by: Councilman Dunn **Seconded:** Councilman Warner
Vote: Supervisor O'Connor Councilman Dunn-Aye
 Councilman Hartzell-Aye Councilman Warner-Aye
 Councilwoman Young-Aye

IT IS RESOLVED that the Town of Malta Highway Superintendent, Roger Crandall, be and hereby is authorized to attend the 2019 Annual School For Highway Superintendents sponsored by the Association of Towns, State of New York and Cornell Local Roads Program, at Ithaca, New York, from June 3 through June 5, 2019, at the expense of the Town of Malta.

RESOLUTION NO 70 FEBRUARY 4, 2019

ESTABLISH SUMMER PAY RATES/AUTHORIZE SUMMER STAFF HIRE

Motion by: Councilman Dunn **Seconded:** Councilman Warner
Vote: Supervisor O'Connor Councilman Dunn-Aye
 Councilman Hartzell-Aye Councilman Warner-Aye
 Councilwoman Young-Aye

WHEREAS the Town Board of the Town of Malta has adopted the 2019 Town budget which provides budgetary appropriations for summer recreation, park and maintenance staff; now, therefore, it is

RESOLVED that the Town Board of the Town of Malta hereby establishes summer staff positions for the Town of Malta’s summer and seasonal youth, recreation and park staff within the Town of Malta’s Park and Recreation and Maintenance Departments and authorizes the Town of Malta’s Director of Parks, Recreation & Human Services, the Maintenance Working Supervisor and the Youth Program Director to hire individuals for said positions at the hourly rates outlined in the following salary guidelines:

SUMMER RECREATION, SEASONAL & PARK STAFF 2019 PAY RATES

		<u>2018</u>	<u>2019</u>
Counselors	First Year	\$10.40	\$11.10
Head Counselors	First Year	\$10.90	\$11.60
	Second Year	\$11.05	\$11.75
	Third Year	\$11.20	\$11.90
Full-Day Counselors	First Year	\$10.90	\$11.60
	Second Year	\$11.05	\$11.75
	Third Year	\$11.20	\$11.90
	Fourth Year	\$11.34	\$12.05
Full Day Camp Asst. Director		\$12.00-\$14.00	\$12.00-\$14.00
Asst. Rec. Directors/Teachers		\$11.25-\$13.00	\$12.00-\$14.00
Park Maintenance		\$10.40-\$12.50	\$11.10-\$13.20
Temporary Instructor		\$11.65-\$20.00	\$11.65-\$20.00

RESOLVED that the maintenance seasonal laborers will be scheduled on a 5-day work week with rotations covering weekends to assist in the maintenance of Town park facilities.

RESOLUTION NO 71 FEBRUARY 4, 2019

AUTHORIZE NYSDOT PERMIT REQUEST – 2019 MALTA VETERANS PARADE AND RACE

Motion by: Councilman Dunn **Seconded:** Councilman Warner
Vote: Supervisor O'Connor Councilman Dunn-Aye
 Councilman Hartzell-Aye Councilman Warner-Aye
 Councilwoman Young-Aye

WHEREAS the Town of Malta and the Malta Veterans' Committee wish to honor and thank the men and women who put themselves in harm's way to serve their nation in our armed forces and emergency services, both past and present, at the *Town of Malta Military, Veterans & First Responders' Appreciation Day and Parade* to be held on the 18th day of May, 2019; and

WHEREAS the Department of Parks, Recreation and Human Services would like to add a one mile road running race before the start of the parade; and

WHEREAS the Town of Malta would like to enter into an agreement with the Roundabout Runners Club to help organize and run the one mile road running race; and

WHEREAS the parade and race require a highway permit for the closure of Route 9; now, therefore, it is

RESOLVED that the Town Board authorizes the Acting Director of Parks & Recreation to request a highway permit for the parade and race; and it is further

RESOLVED that the Town Supervisor is authorized to enter into an agreement between the Town of Malta and the Roundabout Runners Club to facilitate the race.

DISCUSS PROPOSED MALTAVILLE WATER DISTRICT- Councilman Dunn recused himself from the discussion. The Supervisor polled the TB members on whether to proceed with or without prevailing wages regarding the project. Councilman Hartzell, "agree on prevailing wage", Councilman Warner, "Prevailing", Councilwoman Young, "Prevailing". The TB also discussed moving forward with having Chazen update the feasibility study showing cost of hooking in with Saratoga County Water Authority at Route 9 and Route 67. Councilman Hartzell said "I do, I would like to see the numbers". Councilman Warner said "Sounds like an ideal situation". Councilwoman Young said "I agree, we need to explore". There are 22 parcels west of the Sweeney Farm that have potential to be included in the project, but that has not been finalized. Some residents on Knapp road had expressed desire not to be included in the Maltaville water project. An option to have those parcels not included would be for the project to start from Lakeridge Drive south. John Erano, a resident living on Lakeridge Drive, said most residents want water due to serious water problems in the community. He thanked the TB for moving with urgency. Marissa Mackay, Executive Vice President of Saratoga Water Services, stated to the TB if they decide to "go with the feeling" of the Department of Labor and prevailing wages, working with Saratoga Water Services will still save 1.5% on the project. She also informed the TB that SWS has rates that are 18% less than the Saratoga County Water Authority with better water quality reports. Councilman Warner asked Marissa to forward current water capacity numbers to the TB. Supervisor O'Connor informed the public that water from SWS is supplied from wells and water from the County is supplied from the Hudson near Moreau. Supervisor O'Connor stated to those in attendance that the Maltaville water project is priority. The Board reached a consensus that the Supervisor would be authorized to enter into an agreement with The Chazen Companies to update the 2017 feasibility study, at a cost not exceeding \$2,000, to consider the coverage of certain parcels along route 67 and the possibility of obtaining water from the Saratoga County Water Authority line on Route 9 for supply to the proposed water district and to Round Lake, and to update the figures in the 2017 study.

RESOLUTION NO 72 MARCH 4, 2019

MALTAVILLE WATER SUPPLY PROJECT FEASIBILITY PROJECT

WHEREAS the Town of Malta is considering the feasibility of providing water to the Maltaville area; and

WHEREAS the Town of Malta has been provided a feasibility study by the Chazen Companies in the summer of 2017; and

WHEREAS the Town of Malta would like to update the 2017 feasibility study to consider the coverage of certain parcels along Route 67 and the possibility of obtaining water from the Saratoga County Water Authority line on Route 9 for supply to the proposed water district and to Round Lake, and to update the figures in the 2017 study; now therefore, be it

RESOLVED the Town Board of the Town of Malta authorizes the Town Supervisor to enter into an agreement with The Chazen Companies to update the 2017 feasibility study to consider the coverage of certain parcels along Route 67 and the possibility of obtaining water from the Saratoga County Water Authority line on Route 9 for supply to the proposed water district and to Round Lake, and to update the figures in the 2017 study; and it is further

RESOLVED that the cost of the updated feasibility study shall not exceed \$2,000.

DISCUSS AMENDMENT TO CHAPTER 167-12 NON CONFORMING USE EXTENSION

A discussion on whether the town should change town code to be extended to non-conforming use buildings, if approved by the Planning Board, or to have it prohibited as it is under current town code. The question came to be when Carson's Woodside Tavern inquired about expanding a use regarding the kitchen at the restaurant. Questions about how it would apply, what the planning boards participation would be, what percentage of the buildings would be allowed, what type of restrictions would be implemented. Also ensuring there would be no environmental impact and the structure would conform to the surrounding neighborhood. Councilman Hartzell asked Supervisor O'Connor what he thought about allowing the changes. The Supervisor answered that he thinks it should be allowed with restrictions, under certain circumstances with a 33%-40% of allowable change. Councilman Dunn responded that he feels a sunset clause should be placed into the amendment with the Master Comprehensive Plan Committee to address the areas in the Master Plan. Councilwoman Young that there are just a few of the preexisting structures, that would fall under the amendment, and they are thriving businesses that want to improve. Councilman Warner said we need to consider and respect the businesses that are here. We need to update an outdated ordinance that no longer applies; this is to address companies that have been here. Councilman Hartzell said he is fine with a sunset clause for maybe a few years. Then whatever the Comp. Plan doesn't accommodate, regarding pre-existing non-conforming uses, the sunset clause can be removed. The Supervisor said he is fine with a sunset clause.

RESOLUTION NO 73 FEBRUARY 4, 2019

BUDGET TRANSFERS AND COMPTROLLER'S REPORT

Motion by: Councilman Dunn

Seconded: Councilman Hartzell

Vote: Supervisor O'Connor

Councilman Dunn-Aye

Councilman Hartzell-Aye

Councilman Warner-Aye

Councilwoman Young-Aye

WHEREAS, the Town Comptroller has submitted his Comptroller's Report which identifies the disbursements for the Town; and

WHEREAS the Town Board of the Town of Malta has adopted the 2019 Town Budget; and

WHEREAS the Town Board of the Town Board of Malta desires to amend the 2019 Town Budgets for estimated revenues and appropriations and amend budgetary appropriations between department and intradepartment line items; now, therefore, be it

RESOLVED that the Town Board of the Town of Malta hereby authorizes the 2019 Town-wide General Fund and Part-Town General Fund to be amended as follows:

Increase Developer Planning Escrow	B2120	\$476,000
Increase Engineering Planning Escrow	B8020.45	\$476,000
Increase Gifts and Contributions	A2705	\$ 17,075
Increase Theater Contractual	A7989.61	\$ 1,250
Increase Town Clerk Contractual	A1410.4	\$ 3,475
Increase Veterans Contractual	A6510.4	\$ 3,000
Increase Community Center Programs	A7989.50	\$ 7,350
Increase Emergency Preparedness	A3640.4	\$ 2,000
Increase Gifts and Contributions	B2705	\$ 9,250
Increase Parks Equipment	B7110.2	\$ 6,000
Increase Bicycle Contractual	B7140.41	\$ 2,500
Increase Parks Contractual	B7110.47	\$ 750

COMMENTS: Ann Klotz a Malta resident asked the board about the warehouse proposal in the Luther Forest Campus. Supervisor O'Connor answered that it is not on the agenda for tonight's discussion but is under consideration. It will be on one of the next agenda's.

Carson's owners Bill & Suzie Carson and partner Gail Greiner thanked Jaime O'Neill and the TB for considering an amendment to pre-existing non-conforming buildings to improve on the structure to accommodate a growing business.

Ted Willette a Malta resident spoke to the TB on physical layout of property when considering zoning or perhaps changing of the zoning. He said that generically applying zoning doesn't take into consideration steep slopes, wet lands and how certain parcels can or cannot be developed. He asked the TB to take into consideration parcels like Mangino's that has been a restaurant for generations. Stating if the restaurant were bulldozed down another restaurant in its place may be a better option for that piece of real estate other than residential building. A lot of variables are to be considered when talking about a sunset clause for a pre-existing business in a residential zoned area.

Kathy Eitzmann thanked the TB for taking on the Carson's task. She reveled in the fact that nineteen seniors enjoyed a wonderful lunch at Carson's today.

ADJORN: 8:15 PM

Motioned: Councilman Hartzell **Seconded:** Councilman Dunn

Vote: Ayes-5 Nays-0

Respectfully Submitted,

Jennifer Holmes
Malta Town Clerk